

H. Kelly



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: East West Research, Inc.

File: B-237991

Date: February 15, 1990

Richard Snyder, for the protester.
Barry M. Sax, Esq., Defense Logistics Agency, for the agency.
Anne B. Perry, Esq. and John F. Mitchell, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

General Accounting Office denies protest concerning an agency's rejection as technically unacceptable of an offered product where the identical issue was resolved in a recent decision on a protest by the same protester involving the same relevant set of factual circumstances.

DECISION

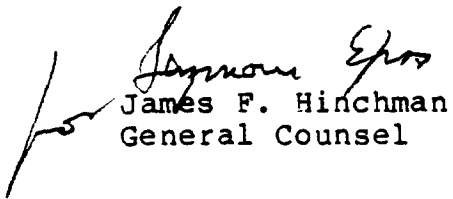
East West Research, Inc., protests the rejection of its offer under the Defense Logistics Agency (DLA), Defense Construction Supply Center (DCSC) request for quotations (RFQ) No. DLA700-89-X-2332. The RFQ, issued pursuant to Federal Acquisition Regulation Part 13, small purchase procedures, was for 86 air blow guns, identified by a National Stock Number and a specific manufacturer's part number. This item did not include a hanger hook and its operating lever was on the underside. DCSC rejected East West's quotation in the amount of \$798.08, and issued a purchase order to the second low offeror for \$851.40, after the item East West offered was determined to be unacceptable because it included a hanger^{1/} and its operating lever was in a nonconforming location.

^{1/} The protester argues that the item referred to by DLA, and in our previous decision, as a hanger is in fact a hand guard. The proper name for this feature, however, has no effect on the resolution of this protest.

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The issue raised in this protest is identical to that resolved in East West Research, Inc., B-236833, Jan. 8, 1990, 90-1 CPD ¶ ___, which also involved the propriety of DCSC's rejection of an air blow gun with a hanger that East West offered. The protester here relies upon the same arguments considered in the previous decision in which we found to be reasonable the agency's determination that the protester's offered product was unacceptable. Since the issue raised by East West in this protest is identical to the issue resolved in our decision of January 8, we see no reason to reach a different result here.

Accordingly, we deny the protest.


James F. Hinchman
General Counsel